

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application.

Claims 374-379 are pending have been amended to overcome the Examiner's objections.

I. Claim Rejections - 35 U.S.C. §103

The Examiner has rejected all of the pending claims under 35 U.S.C. §103(a) as being unpatentable over various combinations of U.S. Patent No. 6,317,500 to Murphy ("Murphy"), U.S. Patent No. 6,266,612 to Dussell et al. ("Dussell"), U.S. Patent No. 6,222,449 to Twining ("Twining"), U.S. Patent No. 5,790,074 to Rangedahl et al. ("Rangedahl") and U.S. Patent No. 6,522,875 to Dowling et al. ("Dowling").

The present invention, as recited in the independent claims 374, 376, 377, 378 and 379, is directed to a method for securing a computer communications network supporting a network computing device with the method comprising the steps of embodying a global synchronization chip into the network computing device. The steps additionally include programming a global synchronization chip in the network computing device with a set of predetermined time and space coordinates. The network computing device of the present invention includes a communications network including a memory storage device and an owner registration server resident in the memory storage device.

In contrast, Murphy is directed to a system for assuring the location integrity of a decryption chip used to receive and decrypt encrypted signals received from an encrypted signal source. Murphy teaches a decryption chip which is only licensed for certain locations. Murphy does not teach or suggest a communications network that includes a memory storage device. Further, as pointed out by the Examiner, Murphy does not teach an owner registration server resident in the memory storage device. Still further, as pointed out by the Examiner, Murphy does not teach generating a time-stamp thereby providing an absolute time reference.

Similarly, Dussell is directed to a position based digital assistant where a mobile computer system receives positioning information corresponding to the geographic location of the mobile computer system

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to facilitate the completion of a prespecified task. Although Dussell does discuss a task and geographic location database, there is no teaching or suggestion regarding an ownership registration database.

Similarly, Twining is directed to a remote fish logging unit where a portable recording device having an input mechanism, whereby inputted information is stored and transmitted to a database at a central repository. In contrast to the present invention, Twining does not provide a method for enabling operation of a network device only when the device is in predetermined TS coordinates.

Similarly, Rangedahl is directed to an automated location verification and authorization system for electronic devices. Rangedahl discloses a system for authorizing operation of a remote device employing a global positioning system which is connected to an authorization database. Rangedahl does not teach or suggest that the verification and authorization system includes a memory storage device and an ownership registration database.

Similarly, Dowling is directed to a geographical web browser in a mobile unit. Dowling teaches using a mobile unit capable of receiving global positioning system receivers or local broadcast signals which are dependent on the physical location of the mobile unit. Dowling does not teach or suggest that the positioning system includes a memory storage device or an owner registration database.

The Examiner is reminded that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991).

As is well-established,

It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious.

In re Fritch, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).¹

¹ See also, MPEP §2142

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Furthermore, the U.S. Court of Appeals for the Federal Circuit restated the legal test applicable to rejections under 35 U.S.C. 103(a) (In re Rouffet, 47 USPQ2d 1453 (Fed. Cir., July 15, 1998)). The Court stated:

[V]irtually all [inventions] are combinations of old elements. Therefore an Examiner may often find every element of a claimed invention in the prior art. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." To prevent the use of hind sight based on the invention to defeat patentability of the invention, this courts requires the Examiner to show a motivation to combine the references that create the case of obviousness. The Board [of Appeals] did not, however, explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination. Instead, the Board merely invoked the high level of skill in the field of the art. If such a rote indication could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance. Instead, in complex scientific fields, the Board could routinely identify the prior art elements in an application, invoke the lofty level of skill, and rest its case for rejection. To counter this potential weakness in the obviousness construct the suggestion to combine requirements stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness. In re Rouffet, 47 USPQ2d 1457-58 (Fed. Cir., July 15, 1998) (citations omitted).²

Since the cited references do not teach or suggest all of the claim limitations, either alone or in combination with each other, a prima facie case of obviousness has not been set forth. Applicants, therefore, respectfully submit that amended independent claims 374, 376, 377, 378 and 379 are allowable

² See also Sensonic, Inc. v. Aerosonic Corp., 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996) ("To draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction--an illogical and inappropriate process by which to determine patentability."); Texas Instruments Inc. v. U.S. Int'l Trade Comm'n, 988 F.2d 1165, 1178, 26 USPQ2d 1018, 1029 (Fed. Cir. 1993) ("Absent ... [a] suggestion to combine the references, respondents can do no more than piece the invention together using the patented invention as a template. Such hindsight reasoning is impermissible."); In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) ("As in all determinations under 35 U.S.C. section 103, the decisionmaker must bring judgment to bear. It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps."); Motorola, Inc. v. Interdigital Technology Corp., 930 F. Supp. 952, 974 (D. Del. 1996), *aff'd in part & rev'd in part*, 121 F.3d 1461, 43 USPQ2d 1481 (Fed. Cir. 1997) ("A court may not, with 20-20 hindsight, utilize an inventor's claims as a template and reconstruct his invention willy-nilly by picking and choosing elements at will from the prior art.")

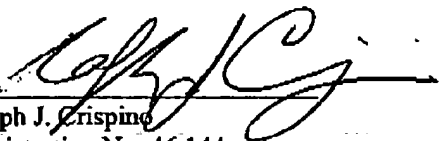
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over the cited references. Claim 375, by its dependency on amended independent claim 374, is similarly allowable.

II. Conclusion

For the foregoing reasons, Applicants respectfully submit that all pending claims 374-379 are now in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,

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